

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv329**

| | | |
|--------------------------------------|---|----------------------------------|
| SYNOVUS BANK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>MEMORANDUM OF</u> |
| |) | <u>DECISION AND ORDER</u> |
| CHRISTOPHER McDONOUGH and |) | |
| MONALISA McDONOUGH, |) | |
| |) | |
| Defendants/ |) | |
| Third-Party Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| SYNOVUS FINANCIAL CORP. d/b/a |) | |
| NATIONAL BANK OF SOUTH |) | |
| CAROLINA, et al., |) | |
| |) | |
| Third-Party Defendants. |) | |
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THIS MATTER is before the Court on the Plaintiff Synovus Bank's Motion to Dismiss Counterclaims [Doc. 8] and the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Third Party Claims [Doc. 9].

Also before this Court is the case of Synovus Bank v. Coleman, Case No. 1:11cv66 (W.D.N.C.). The facts, legal issues and causes of action asserted by the parties in the present matter are virtually identical to those in

Coleman and the same attorneys represent the Defendants in both cases. Even though the cases have not been consolidated, the decision of this Court in the Order being entered contemporaneously herewith in Coleman addresses and disposes of all of the issues raised by the motions currently before the Court in this matter. The Order in Coleman, therefore, is incorporated herein, and the current motions will be disposed of in accord therewith.

ORDER

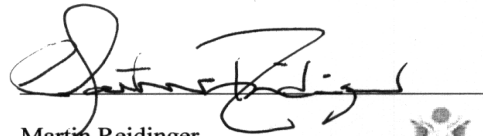
IT IS, THEREFORE, ORDERED that the Plaintiff Synovus Bank's Motion to Dismiss Counterclaims [Doc. 8] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Bank's Motion to Dismiss the Defendants' ILSA claim is **DENIED**. In all other respects, the Bank's Motion to Dismiss is **GRANTED**, and all of the Defendants' counterclaims, with the exception of the aforementioned ILSA claim, are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Third Party Claims [Doc. 9] is **GRANTED**, and the Defendants' Third Party Claims against Synovus Financial Corp. are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and shall file a Certificate of Initial Attorneys' Conference within seven (7) days thereafter.

IT IS SO ORDERED.

Signed: August 15, 2012


Martin Reidinger
United States District Judge

